

BENEFIT REVIEW CONFERENCE (BRC) INFORMATION FOR BENEFICIARIES IN A DEATH CLAIM

DEATH/BURIAL BENEFIT ISSUES: An insurance carrier may dispute a beneficiary's entitlement to receive <u>death benefits</u>. An issue may also arise over the reasonable cost of burial benefits and/or transportation costs incurred on behalf of the deceased injured worker.

Definition of Terms

- "Injury" means damage or harm to the body, including infections from the injury. See §401.011(26).
- "Distribution of Death Benefits" describes who is eligible to receive death benefits under §408.182.
- "Benefit" means a medical, income, death or burial benefit based on a compensable injury. See 401.011(5).
- "Compensable Injury" means an injury in the course and scope of employment. See §401.011(10).
- "Course and Scope of Employment" means an activity performed by the injured worker originating in the work of the employer. See §401.011(12).
- "Death Benefit" means a payment made to a legal beneficiary because of the death of an employee. See §401.011(13).
- "Legal Beneficiary" means a person entitled to receive a death benefit under the Act. See §401.011(29).
- "Occupational Disease" means a disease or repetitious trauma injury arising from the injured worker's employment. See §401.011(34).
- "Repetitive Trauma Injury" means damage to the body from repetitious activities related to the injured worker's employment. See §401.011(36).

Division Forms

- **DWC-41**, "Supplement A Beneficiary's Claim for Compensation (Rev. 10/04)," filed by family members of the deceased injured worker if the injury resulted in injured worker's death.
- **DWC-45**, "Request for a Benefit Review Conference Interim" (if unrepresented, injured workers may request a conference by contacting the Division in any manner).
- **DWC-150**, "Notice of Representation or Withdrawal of Representation," if the injured worker is represented by an attorney.

Additional Information

- Marriage license if spouse of deceased employee is seeking <u>benefits</u>. If not available, any information to show that spouse and the deceased presented themselves to the public as man and wife (i.e., statements from friends/family, records from employers, IRS, financial institutions/creditors).
- Birth Certificate if a child, grandchild, parent, or sibling of the deceased is seeking benefits.
- Some documentary information to show that the economic benefits (monthly payments, money, boarding, other goods and services) provided by the deceased were regular or recurring at the time of the deceased's death and that the benefits contributed substantially to the welfare and livelihood of the beneficiary.
- Copies of bills/expenses for the cost incurred for burial and/or transportation costs on behalf of the deceased employee that were denied by the insurance carrier.

Exchange of Information

- Must be exchanged with DWC and other parties per Rule 141.4.
- Must be exchanged no later than 14 days prior to a BRC (5 days if BRC was expedited).
- Bring information that is obtained after the exchange deadline to the conference in sufficient copies for filing and exchanging at the conference.